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August 26, 2011

Via ECF and Fax

Hon. Marilyn D. Go
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Mount Vernon Fire Ins. Co. v. A.S. Construction, Inc., et al.
Docket No.: 05-cv-3190 (ARR) (MDG)

Dear Judge Go:

In accordance with Your Honor's order, please accept the following status report jointly submitted by the parties regarding the underlying state court property tort suit, entitled Ray Haber and Sharon Haber v. Betty Cohen and Martin Cohen, pending in Supreme Court, Kings County under Index Number 1033/05 (the "*Haber Action*"). Although there has been no breakthrough in settlement talks in the underlying *Haber Action*, there has been some activity in that direction. The parties to the *Haber Action* participated in two settlement conferences in May and July before a Kings County Supreme Court justice assigned to informally mediate all cases placed on the trial calendar. In addition, a further inspection of the Cohens' property was held on June 21, 2011 following the Cohens' filing of a supplemental bill of particulars alleging additional damages. Another conference in the *Haber Action* is tentatively scheduled for October 4th.

We will continue to monitor the *Haber Action*, and will report to the Court on all new developments in that underlying matter as they arise.

Respectfully submitted,

MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP


Todd M. Hellman

cc: All counsel of record (via fax)